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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Peter JENKNER et al

SERIAL NO.: 09/685,341

FILED: October 11, 2000

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: GROUP: 1712

: EXAMINER: M. Zimmer

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FOR: FLUOROALKYL-FUNCTIONAL ORGANOSILOXANE-
CONTAINING COMPOSITIONS BASED ON ALCOHOL,
A PROCESS FOR THEIR PREPARATION AND THEIR
USE

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RESPONSE

COMMISSIONER FOR PATENTS
ALEXANDRIA, VA. 22313

SIR:

The following is responsive to the Official Action dated April 28, 2003, concerning the above-identified application.

REMARKS

Claims 29, 30, 39, 41, 43 and 44 are active in the case. Reconsideration is respectfully requested.

The Examiner has cited yet another U.S. Patent against claims of the present application, which patent is Yamashita et al, U.S. Patent 6,329,490. It is noted that the patent has a U. S. filing date of March 31, 2000. However, the present application is a divisional application of parent application Serial No. 09/984,162 filed **December 3, 1997**. Accordingly, because the filing date of the cited Yamashita et al is antedated by the filing date of the parent application

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of the present divisional application, the Yamashita et al is not available against claims of the present application. Thus, the rejection of Claims 39, 43 and 44 based on 35 USC 102 must be withdrawn. Further, the rejection of Claims 29 and 30 based on 35 USC 102 and 35 USC 103 over Yamashita et al must also be withdrawn. Finally, the rejection of Claim 41 under 35 USC 103 over Yamashita et al in view of Akamatsu or Ona et al must be withdrawn.

The Examiner's comments concerning the filing of a translation of the German priority document is noted. However, perfection of the priority date of the German parent application is not needed to obviate the rejections based on the Yamashita et al patent since the filing date in 1997 of the parent U. S. application renders the patent unavailable. However, because a certified translation of the priority German application is available, the same is enclosed to complete the record of the application in the Patent Office.

It is now believed that the application is in proper condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

A handwritten signature in cursive script, appearing to read "F.D. Vastine", is written over a horizontal line.

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